

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

MICHAEL TEREL JONES,

Plaintiff,

vs.

GENERAL MOTORS CORPORATION,  
et al.,

Defendants.

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Case No. 3:04cv373

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
ON REMANDED MATTERS (DOC. #80) AND OVERRULING PLAINTIFF'S  
PARTIAL OPPOSITION/OBJECTIONS THERETO (DOC. #81); MORaine  
ASSEMBLY PLANT DISMISSED AS PARTY DEFENDANT TO  
LITIGATION; PLAINTIFF'S CLAIMS AGAINST DR. MARK REYNOLDS  
RECAST AND DISMISSED, WITHOUT PREJUDICE TO FILING IN A  
STATE COURT OF COMPETENT JURISDICTION; HAVING PREVIOUSLY  
GRANTED MOTIONS FOR SUMMARY JUDGMENT OF DEFENDANTS  
IUE-CWA LOCAL 798 (DOC. #63) AND GENERAL MOTORS  
CORPORATION (DOC. #66), JUDGMENT IS ORDERED ENTERED IN  
THEIR FAVOR AND AGAINST PLAINTIFF; TERMINATION ENTRY

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Pursuant to the reasoning and citations of authority set forth in the Report  
and Recommendations on Remanded Matters, filed by the United States Magistrate  
Judge on March 31, 2007 (Doc. #80), as well as upon a thorough review of this  
Court's file and the applicable law, said Report and Recommendations on  
Remanded Matters are adopted in their entirety. Plaintiff's Partial

Opposition/Objections to said judicial filing (Doc. #80) are overruled. The Defendant Moraine Assembly Plant, even assuming, *arguendo*, that same is *sui juris*, is dismissed as a party defendant, based upon the reasoning set forth by the Magistrate Judge in his Report and Recommendations on Remanded Matters. The Plaintiff's claim against Dr. Mark Reynolds, a Defendant now in default, is deemed by this Court not to be a claim sounding in medical malpractice, but one sounding in libel and slander. Given that all federal claims in this case have been adjudicated against the Plaintiff, the Plaintiff's claims against Dr. Mark Reynolds, recast as claims for libel and slander, are dismissed, without prejudice to refiling in a state court of competent jurisdiction. Province v. Cleveland Press Publishing Company, 787 F.2d 1047 (6<sup>th</sup> Cir. 1986). While this dismissal allows Plaintiff to refile his claim against Dr. Mark Reynolds in state court (a copy of this Opinion should be attached thereto), Plaintiff is directed to the applicable state statute of limitations pertaining to the claims against Dr. Reynolds.

The Court having previously sustained the Motions for Summary Judgment of Defendants IUE-CWA Local 798 (Doc. #63) and General Motors Corporation (Doc. #66), judgment is ordered entered in favor of those Defendants and against Plaintiff herein. The Judgment Entry to be prepared by the Clerk of Courts Office should incorporate not only the judgment entered in favor of said Defendants, but should also note this Court's dismissal of the Moraine Assembly Plant as a Defendant and the dismissal of Plaintiff's claims against Dr. Mark Reynolds,

without prejudice to refiling in a state court of competent jurisdiction.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

September 25, 2007

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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Chief Magistrate Judge Michael R. Merz